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TO:	Examiner: to be assigned	FROM:	SHELLY GUEST CERMAK
FAX:	703.872.9306	REF. NO:	US-1520
VOICE:		PAGES	40 (incl. this sheet)
App. No.:	10/613990	DATE:	December 15, 2003

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE:

- 1) Information Disclosure Statement (3 pages)
- 2) PTO-1449 (1 page)
- 3) EPO Search Report (6 pages)
- 4) 5 cited references (29 total pages)



Shelly Guest Cermak
Registration Number 39,571

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Shelly Guest Cermak
Registered U.S. Patent Attorney
cermaks@ajiusa.com

Ajinomoto USA, Inc.
1120 Connecticut Ave.
Ste. 1010
Washington D.C. 20036
+1 202 457 0284 (v)
+1 202 457 0107 (f)

Att'y Dkt. No. US-1520
U.S. App. No. 10/613,990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Ishikawa et al.

Art Unit: 1632

Appl. No.: 10/613,990

Examiner: to be assigned

Filing Date: July 8, 2003

Atty. Docket: US-1520

Title: METHOD FOR PRODUCING TARGET
SUBSTANCE BY FERMENTATION

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

Att'y Dkt. No. US-1520
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☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. _____ in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.

☒5. The document(s) was/were cited in a corresponding foreign application. ☒ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).

☐6. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.

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- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. Other: _____.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By:


Shelly Guest Cermak
Reg. No. 39,571

Date: December 15, 2003

000038108

PATENT TRADEMARK OFFICE

Ajinomoto USA, Inc.

1120 Connecticut Avenue

Ste. 1010

Washington D.C. 20036

202 457 0284

202 457 0107 FAX

FORM PTO 1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DKT. NO.: US-1520	APP. NO.: 10/613,990
	APPLICANT(S): Ishikawa et al.	
	FILING DATE: July 8, 2003	Group Art Unit: 1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	Search Report from EPO	Nov. 13, 2003	EPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

	Cotter et al., "Contribution of the <i>fmr</i> and <i>arcA</i> gene products in coordinate regulation of cytochrome o and d oxidase (<i>cyoABCDE</i> and <i>cydAB</i>) genes in <i>Escherichia coli</i> " FEMS Micro. Lett., 91:31-36 (1992)
	Iuchi et al., "arcA (<i>dye</i>), a global regulatory gene in <i>Escherichia coli</i> mediating repression of enzymes in aerobic pathways" Proc. Natl. Acad. Sci. USA, 85:1888-1892 (1988)
	Nystrom et al., "Bacterial defense against aging: role of the <i>Escherichia coli</i> ArcA regulator in gene expression, readjusted energy flux and survival during stasis" EMBO J. 15: 3219-3228 (1996)
	Database WPI, Section Ch, Week 200114, Derwent Pub, London, Class B05, AN 2001-138133, XP002260035 & WO1/02544A (11 Jan 2001)
	Database WPI, Section Ch, Week 200114, Derwent Pub, London, Class B05, AN 2001-138135, XP002260036 & WO1/02546A (11 Jan 2001)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	